

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

*This document relates to:*

*Track Three Cases*

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' MOTION TO ADMIT PROCESSED ARCOS DATA  
AND DEFENDANTS' DISPENSING DATA**

On the morning of October 22, 2021, Plaintiffs moved the Court for admission of the ARCOS data and the Defendants' dispensing data. The data is contained on thumb drives. Plaintiffs seek admission of these exhibits to merely lay the foundation for use of information derived from this data during trial. Principally, this data is used for Rule 1006 exhibits at trial including exhibits admitted during Dr. McCann's testimony.

The Defendants objected. Plaintiffs pointed out that these exhibits are admissible because the Court has already ruled that they are when it granted Plaintiffs' Motion in Limine No. 45. (Doc # 3967). In pertinent part, that ruling states as follows:

"Accordingly, the Court rules all of the Rule 1006 charts provided in Plaintiffs' Motion are admissible, as is the underlying data (being McCann's processed ARCOS data, Defendants' distributing and dispensing data, and the associated governmental data)" P. 9, Doc #3967.

The exhibits which Plaintiffs move for admission are:

- P-23212 - Processed US ARCOS data
- P-23213 - Processed Ohio ARCOS data
- P-23088 - Processed CVS Dispensing Data
- P-23089 - Processed Walmart Dispensing Data

- P-23090 - Processed Walgreens Dispensing Data
- P-23091 - Processed Giant Eagle Dispensing Data

Respectfully submitted,

Jayne Conroy  
SIMMONS HANLY CONROY  
112 Madison Avenue, 7th Floor  
New York, NY 10016  
(212) 784-6400  
(212) 213-5949 (fax)  
jconroy@simmonsfirm.com

Joseph F. Rice  
MOTLEY RICE LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
(843) 216-9000  
(843) 216-9290 (Fax)  
jrice@motleyrice.com

Paul T. Farrell, Jr., Esq.  
FARRELL & FULLER LLC  
1311 Ponce de Leone Ave., Suite 202  
San Juan, PR 00907  
(304)654-8281  
paul@farrellfuller.com

*Plaintiffs' Co-Lead Counsel*

W. Mark Lanier  
THE LANIER LAW FIRM  
10940 W. Sam Houston Pkwy N., Ste 100  
Houston, TX 77064  
(713) 659-5200  
(713) 659-2204 (Fax)  
wml@lanierlawfirm.com

*Trial Counsel*

/s/Peter H. Weinberger

Peter H. Weinberger (0022076)  
SPANGENBERG SHIBLEY & LIBER  
1001 Lakeside Avenue East, Suite 1700  
Cleveland, OH 44114  
(216) 696-3232  
(216) 696-3924 (Fax)  
pweinberger@spanglaw.com

*Plaintiffs' Liaison Counsel*

Frank L. Gallucci  
PLEVIN & GALLUCCI CO., L.P.A.  
55 Public Square, Suite 222  
Cleveland, OH 44113  
(216) 861-0804  
(216) 861-5322 (Fax)  
FGallucci@pglawyer.com

Hunter J. Shkolnik  
NAPOLI SHKOLNIK  
270 Munoz Rivera Avenue, Suite 201  
Hato Rey, Puerto Rico 00918  
(347) 379-1688  
hunter@napolilaw.com

*Counsel for Plaintiffs Lake County and  
Trumbull County, Ohio*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2021, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger